

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

RUDOLPH J. GEIST, et al.

v. : Civil Action No. PX 16-3630

HISPANIC INFORMATION AND  
TELECOMMUNICATIONS NETWORK, INC.:

**ORDER**

Plaintiff filed a complaint alleging breach of contract and unjust enrichment on November 4, 2016 (ECF No. 1). In response, Defendant filed a motion to dismiss (ECF No. 20).

Plaintiffs then filed an amended complaint (ECF No. 26). Pursuant to Fed.R.Civ.P. 15(a)(1)(B), "a party may amend its pleading once as a matter of course within . . . 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." In response to Plaintiffs' amended complaint, Defendant again moved to dismiss (ECF No. 28).

On February 28, 2017, Plaintiffs moved for leave to file a second amended complaint (ECF No. 32). The court granted Plaintiffs' motion on April 5 (ECF No. 40). Plaintiffs' second amended complaint is docketed at ECF No. 41.

Because the filing of an amended complaint moots the challenge to the original complaint, Defendant's motions to

dismiss will be denied as moot and Defendant will be provided an opportunity to respond to Plaintiffs' second amended complaint.

Accordingly, it is this 18<sup>th</sup> day of May, 2017, by the United States District Court for the District of Maryland, ORDERED that:

1. Defendant's motions to dismiss (ECF Nos. 20 and 28) BE, and the same hereby ARE, DENIED AS MOOT;
2. Defendant IS PROVIDED to and including June 7, 2017, to respond to Plaintiffs' second amended complaint; and
3. The clerk is directed to transmit a copy of this Order to counsel for the parties.

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/s/  
PAULA XINIS  
United States District Judge